

**STATE HUMAN RIGHTS COMMITTEE  
MEETING MINUTES**

Central Virginia Training Center  
210 Colony Road  
Madison Heights, Virginia  
AV Room, Nagler Building  
Friday, July 12, 2002

**ADMINISTRATIVE MEETING**  
**8:00 a.m.**

**COMMITTEE MEMBERS PRESENT**

Peter McIntosh, Chair  
Jim Briggs, Vice-Chair  
Joyce Bozeman  
Angela Brosnan  
Carol Gittman  
Michael Marsh  
Carmen Thompson  
Davey Zellmer

**STAFF PRESENT**

Margaret Walsh, State Human Rights Director  
Musa Ansari, Assistant State Human Rights Director  
Kli Kinzie, Executive Secretary  
Charles T. Collins, Regional Human Rights Advocate, Region I  
Mary W. Towle, Regional Human Rights Advocate, Region II  
Nancy C. Neese, Regional Human Rights Advocate, Region III  
James O. Bowser, Jr., Regional Human Rights Advocate, Region IV  
Sherry C. Miles, Regional Human Rights Advocate, Region VI  
Frances Rose, Facility Human Rights Advocate, CVTC  
Judy Crews, Facility Human Rights Advocate, CVTC  
Stewart Prost, Facility Human Rights Advocate, SEVTC  
Virginia Goodell, Facility Human Rights Advocate, ESH  
Mike Curseen, Facility Human Rights Advocate, CSH  
Jennifer Bailey, Facility Human Rights Advocate, CSH

### **OTHERS PRESENT**

Dana M. Johnson, Assistant Attorney General  
Holly Albrite, Human Rights Liaison, Harrisonburg/Rockingham CSB  
Mark Gleason, Human Rights Liaison, Northwestern CSB  
Sue Hill, Human Rights Liaison, Arlington CSB

Peter McIntosh, Chair, opened the meeting. Mr. McIntosh recognized two (2) new members, Carmen Anne Thompson from Smith Mountain Lake and Davey Zellmer from Fredericksburg.

### **ISSUES:**

#### **LHRC Affiliations and Administrative Support**

Holly Albrite, Human Rights Liaison for Harrisonburg/Rockingham CSB wrote a letter to the SHRC regarding LHRC affiliations and CSB administrative support of LHRCs. The letter was reviewed during the May 31, 2002 SHRC meeting at Blue Ridge Behavioral Healthcare in Roanoke. At that meeting former Co-Chair, Jim Harper, suggested the State Committee hold an open forum on July 12 in which Community Services Boards could speak with the Committee regarding Ms. Albrite's issues. All CSBs were invited to attend this session.

Charles T. Collins, Regional Human Rights Advocate, Region I, introduced Holly Albrite, Human Rights Liaison for Harrisonburg/Rockingham CSB. Marc Gleason, Human Rights Liaison for Northwestern CSB, and Sue Hill, Human Rights Liaison for Arlington CSB, were also present to participate in the discussion.

Under the old regulations, the job of human rights liaison was time consuming. Now, under the new regulations, with expanding affiliations and increasing responsibility of the committees, the job of liaison has become significantly more time consuming and involved.

Chairman McIntosh and Margaret Walsh, State Human Rights Director, will work together on a letter for the boards requesting that they be mindful of LHRC affiliation requirements, and that they continue to be supportive of their committees.

### **PUBLIC MEETING**

**10:15 a.m.**

### **COMMITTEE MEMBERS PRESENT:**

Peter McIntosh, Chair  
Jim Briggs, Vice-Chair  
Joyce Bozeman  
Angela Brosnan  
Carol Gittman

Michael Marsh  
Carmen Thompson  
Davey Zellmer

**STAFF PRESENT:**

Margaret Walsh, State Human Rights Director  
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Virginia Goodell, Facility Human Rights Advocate, ESH  
Mike Curseen, Facility Human Rights Advocate, CSH  
Jennifer Bailey, Facility Human Rights Advocate, CSH

**OTHERS PRESENT:**

Dana M. Johnson, Assistant Attorney General  
Ms. Judy Dudley, Facility Director, Central Virginia Training Center  
Mr. Ken Batten, Office of Substance Abuse Services, DMHMRSAS  
Dr. Patrick Bateman, Clinical Director, Barry Robinson Center  
Mr. Lawrence Lambert, Residential Services Director, Barry Robinson Center  
Ms. Maryanne Chamberlain, Director, Bethany Hall for a New Beginning, A Recovery Home for Women  
Ms. Janna Terry, Senior Clinician, Bethany Hall for a New Beginning, A Recovery Home for Women  
Dr. Harvey Barker, Director of Access Services, NRVCS  
Ms. Kat McClinton, Supervisor of New Life Recovery, NRVCS  
Mr. Nathan Fears, Facility Chief Operating Officer, Woodside Hospital

**CALL TO ORDER:**

The July 12, 2002, meeting of the State Human Rights Committee was called to order by Chairman Peter McIntosh. Mr. McIntosh recognized Ms. Judy Dudley, Facility Director of Central Virginia Training Center (CVTC).

On behalf of the clients and staff of CVTC, Ms. Dudley thanked the human rights advocates for their training and support through the process of implementing the new regulations. Ms. Dudley welcomed the committee back to CVTC and welcomed the two new members to the facility.

SHRC Members and staff of the Office of Human Rights introduced themselves to everyone present. Mike Curseen, Chief Human Rights Advocate, Central State Hospital (CSH), introduced Jennifer Bailey, the new human rights advocate for the forensic program at CSH. Musa Ansari, Assistant State Human Rights Director, announced that Virginia Goodell is now the chief advocate for Eastern State Hospital. The Chair recognized Mr. Ken Batten, representing the office of Substance Abuse Services for the Department.

### **MINUTES:**

The minutes of the May 31, 2002 State Human Rights Committee meeting were approved with two abstentions as amended.

### **REVIEW:**

The SHRC considered a letter from the Central State Hospital LHRC regarding the appeal case of M.T. Chairman McIntosh agreed to write a letter in response to the CSH LHRC inviting two members of the LHRC to attend the September 6 meeting in Staunton for further discussion.

### **VARIANCES:**

#### **Barry Robinson Center**

Mr. Stewart Prost, Advocate, Region V, introduced Dr. Patrick Bateman, Clinical Director, and Mr. Lawrence Lambert, Residential Services Director, from Barry Robinson Center. Dr. Bateman and Mr. Lambert described the Barry Robinson Center as a residential program for adolescents in an open setting.

Mr. Prost indicated that the Barry Robinson Center is requesting a variance to Section 12 VAC 35-115-110, Item B13 of the *Human Rights Regulations* regarding the use of Seclusion, Restraint and Time Out.

Mr. Prost indicated that approval of the variance will allow the program to implement its structured living policy, which exceeds the regulatory requirement of 30 minutes per episode for the use of Time Out.

**A motion was made and passed by unanimous vote to approve, for a one-year period, the Barry Robinson variance request and structured living policy, subject to the recommendations noted by the advocate.**

**The program is required to comply with the following requirements. These requirements should be listed as part of the structured living policy:**

- 1. All violations of the structured living policy be reported to the Regional Advocate within 24 hours.**

2. **All cases which involve the use of structured living be presented to the Local Human Rights Committee on a quarterly basis**
3. **The program provides an annual report to the State Human Rights Committee on the use of the structured living policy. This should include details of any violations of the policy and a comparison of the total use of structured living during the reporting year with that of the previous year.**
4. **The program's policies to be modified as follows: The use of Structured Living would be limited to five (5) times in six (6) months per resident, with each usage not exceeding two (2) days in length.**

Bethany Hall for a New Beginning, A Recovery Home for Women

Nan Neese, Regional Advocate, introduced Maryanne Chamberlain, Director, and Janna Terry, Senior Clinician, Bethany Hall for a New Beginning, A Recovery Home for Women. Ms. Chamberlain and Ms. Terry provided an overview of the services and philosophy of treatment provided by Bethany Hall.

The residential program is licensed to provide long term treatment for adult women and is committed to serving pregnant women believing that two lives will be saved through successful recovery. Ms. Neese reviewed the Variance application and information, including a report and recommendation from the Blue Ridge Local Human Rights Committee. Ms. Chamberlain and Ms. Terry discussed justification for the request and responded to the Committee's questions regarding the request for Variance to §12 VAC 35-115-50. C.7 & 8 and the corresponding paragraph E. 4, b & c and 5. Ms. Chamberlain emphasized the importance of maintaining a therapeutic community where new admissions to the program and those struggling in recovery would be protected from negative influence to abuse substances or to leave treatment.

The SHRC considered the Variance §12 VAC 35-115-220. A., that states in part, a Variance "shall be requested and approved only when the provider has tried to implement the relevant requirement without a variance and can provide objective, documented information that continued operation without a variance is not feasible or will prevent the delivery of effective and appropriate services and supports to individuals." The State Committee determined that the fact that the program(s) have "always operated this way" is insufficient to meet the condition required by the statutory regulation. The Committee discussed extending an invitation to the state's substance abuse treatment providers to dialog relative to the therapeutic community treatment model in which these practices are founded in an effort to develop solutions consistent with the regulation. Nan Neese requested that the SHRC review the "*Report and Recommendations of the Substance Abuse Task Force of the State Human Rights Committee*" as background for the therapeutic community treatment model.

The SHRC's thorough review and discussion is continued below.

**The SHRC unanimously voted to defer the decision concerning the Variance until**

**its October 2002 meeting.**

New Life Recovery, a program of New River Valley Community Services (NRVCS)

Nan Neese, Regional Advocate, introduced Dr. Harvey Barker, Director of Access Services, and Kat McClinton, Supervisor of New Life Recovery, a residential substance abuse program directly operated by NRVCS. Ms. Neese reviewed briefly the Variance application packet submitted to the Committee including but not limited to the report and recommendation from the New River Local Human Rights Committee.

Dr. Barker and Mrs. McClinton provided an overview of the New Life Recovery program. Both Dr. Barker and Mrs. McClinton presented their justification for the request and responded to the Committee's questions regarding the request for Variance to Section 12 VAC 35-115-50. C.7 & 8 and the corresponding paragraph E. 4, b & c and 5.

The Committee invited Dr. Barker and Mrs. McClinton to continue discussion of the proposed Variances that began with the Committee's review of the Bethany Hall request above. The providers re-emphasized the importance of maintaining a therapeutic community where new admissions to the program and those struggling in recovery would be protected from negative influence to abuse substances or to leave treatment. Regarding the concern for requiring significant others/family members participate in treatment as a condition of visitation, the providers emphasized that active involvement in the treatment process is essential to prevent the risk that they could unknowingly sabotage their loved one's progress and recovery.

**The SHRC unanimously voted to defer the decision concerning the Variance until its October 2002 meeting.**

Woodside Hospital LLC

Ms. Virginia C. Goodell, Advocate, Region V, introduced Mr. Nathan Fears, Facility Chief Operating Officer of Woodside Hospital. Mr. Fears described the Woodside Hospital as a 66 bed residential treatment facility providing services to adolescents.

Ms. Goodell indicated that the Woodside Hospital is requesting a variance to the following section of the *Human Rights Regulations*: 12 VAC 35-115-110, Item B13, Use of Seclusion, Restraint and Time Out.

Ms. Goodell indicated that approval of the variance will allow the program to implement its structured living policy, which exceeds the regulatory requirement of 30 minutes per episode for the use of Time Out.

**A motion was made and passed by a unanimous vote to approve, for a one-year period, the Woodside Hospital variance request and structured living policy, subject to the five recommendations noted by the advocate.**

**The program is required to comply with the following requirements. These requirements should be listed as part of the structured living policy:**

- 1. All violations of the structured living policy be reported to the Regional Advocate within 24 hours.**
- 2. All cases which involve the use of structured living be presented to the Local Human Rights Committee on a quarterly basis**
- 3. The program provides an annual report to the State Human Rights Committee on the use of the structured living policy. This should include details of any violations of the policy and a comparison of the total use of structured living during the reporting year with that of the previous year.**
- 4. The Program's policies to be modified in order to be consistent with the variances for structured living adopted by the State Human Rights Committee for the Pines Residential Treatment Center and Genesis Treatment Center. The use of structured living would be limited to two (2) times in (6) months. If the use of Structured Living is to extend beyond 10 days, the LHRC must meet and review the request for Structured Living. The LHRC can approve the use of Structured Living for another 5 days. Structured Living must not be used for more than 15 days sequentially.**
- 5. The program's Structured Living policy item #14 is to be modified per recommendation of the LHRC to state the following:" If discontinuation of the SLP is recommended, a debriefing session will be scheduled for the last day to ensure a smooth transition back to the scheduled program activities. Included in the session are the treatment team members and the resident. The legal guardian/parent will be notified of the debriefing session and encouraged to attend. If unable to attend, the debriefing notes will be sent to the legal guardian/parent."**

## **BYLAWS:**

### **Hampton/Newport News CSB LHRC Bylaws**

Mr. Jim Bowser, Regional Advocate, Region IV, presented, on behalf of the Hampton/Newport News Community Services Board Local Human Rights Committee, their request for a bylaw modification.

**A motion was made and unanimously passed to approve the following Hampton/Newport News CSB LHRC bylaws modification as submitted:**

**Article V, Offices, Section 2, Duties of Offices; Item 1; "Where it is impracticable or impossible to convene a quorum of the committee, the chair is authorized to act unilaterally, on the committee's behalf, to grant extensions of time frames for investigations and appeals, provided the Regional Advocate has no objection and all parties are in agreement, and providing that the committee is notified of such action, and formal action is taken is taken at the regularly scheduled meeting."**

### Southeastern Virginia Training Center

Mr. Stewart Prost, Advocate, Region V, presented a proposed revision to the Southeastern Virginia Training Center LHRC by-laws that has been recommended for adoption by the committee. The sections to be revised deal with the committee membership and the frequency of meetings.

**A motion was made and the following revisions to the Southeastern Virginia Training Center by-laws were unanimously adopted:**

#### **1.1 Composition**

**The LHRC shall consist of at least 5 members. No member shall be an employee of DMHMRSAS. Insofar as possible, the membership shall be representative of the community catchment area served by SEVTC, consumer groups, and various disciplines serving the residents of SEVTC, forming a multi-disciplinary group (broadly representative of professional and consumer groups). Because of the nature of the residents and programs at SEVTC, at least one member shall be familiar with behavioral programming techniques. At least one-third of the members shall be individuals who are receiving services and family members of similar individuals with at least two individuals who are receiving public or private mental health, mental retardation, or substance abuse treatment or habilitation services or who have received services within the five years of their initial appointment.**

#### **3.1 Time and Place of Meetings**

**The LHRC shall hold regular quarterly meetings or more frequently as necessary to adhere to all time lines set forth in the Human Rights Regulations, at a time and place determined by the Committee. Additional meetings may be called as necessary by the chairperson or vice-chairperson.**

### **LHRC MEMBERSHIP:**

**The motion was made and passed that the State Human Rights Committee go into closed session pursuant to Virginia Code §2.1-344 A (15) for the purpose of reviewing Local Human Rights Committee membership and an LHRC decision.**



**Upon reconvening in open session, the Committee unanimously passed a motion to appoint the following applicants to their respective Local Human Rights Committees.**

Health Planning Region V

Appointment:

Damita Bray-Gonzalez

Prince William County CSB

Reappointment:

Judith McKay-Shokoor

Alexandria Community Services Board

Appointment:

Caroline Krystek

NOVA Regional

Reappointments:

Gail Stolarik

Nancy Garner

Loudoun County Community Services Board

Reappointment:

Pamela M. Ferguson

Northern Virginia Mental Health Institute

Reappointments:

Joella Campbell

Llewellyn Bigelow

Northern Virginia Training Center

Appointment:

George Hawkes

Hanover County Community Services Board

Appointment:

Charlene Leahy

Piedmont Geriatric Hospital

Appointment:

Teresa Keller

Harrisonburg-Rockingham Community Services Board

Appointment:

Mary B. Bradshaw

Community Services Board

Appointments:

Carole Sue Graves

Harold McDermott

Valley Community Services Board

Appointment:

Dwight E. Foster

Region Ten Community Services Board

Appointment:

Alison Bowmen Hymes

Fredericksburg Area

Appointments:

Lucy Brickey

Deedra D. Haven

Commonwealth Center for Children and Adolescents

Appointments:

James A. Hall

Daniel P. McCauley

Western State Hospital

Appointment:

Karen Cochran

Central Virginia Community Services

Reappointments:

Doug Wigner

Jack Payden-Travers

Central Virginia Training Center

Reappointment:

Anne Richards

**The motion was made and unanimously passed to accept the following resignation:**

Valley Community Services Board

Resignation:

Betty Jordan

NVMHI LHRC Issue:

**The motion was made and passed that the State Human Rights Committee go into closed session pursuant to Virginia Code §2.1-344 A (15) for the purpose of discussing a personnel matter.**

Upon reconvening in public session, the State Human Rights Committee unanimously certified that to the best of each member's knowledge, only public business matters lawfully exempt from statutory open meeting requirements, and only public business matters identified in the motion to convene the closed session were discussed in the closed session.

**The motion was made in unanimously passed that the Chair will send a letter to each member of the NVMHI stating that in order to remain on the Committee they must attend a training meeting. Chairman McIntosh is to appoint a sub-committee of the SHRC to attend the meeting.**

Chairman McIntosh appointed Jim Briggs and Davey Zellmer to join him in the subcommittee to provide training to the NVMHI LHRC. Margaret Walsh and Chuck Collins are to assist in providing the training.

Human Rights Director's Report

Margaret Walsh, State Human Rights Director, spoke briefly about the following issues:

1. Minutes: LHRCs are not considered Executive Branch Boards. Therefore they are not required to post their minutes on the web.
2. Running of meetings. Suggested the SHRC provide guidance regarding minutes, running meetings, etc., to LHRCs.
3. Final phase of the implementation of the new regulations. Not all programs have completed their policies and procedures.
4. New LHRC/SHRC Manual was provided to members.
5. Reinforced suggestion to invite substance abuse providers to the September 6, 2002 meeting in Staunton to discuss issues of Structured Living Time Out and restrictions on phone calls and visitation.

**Having no further business to discuss, the motion was made and passed to adjourn the meeting.**

Respectfully submitted,

Peter McIntosh, Chair  
State Human Rights Committee